IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10622 OF 2004

Jategaonkar Padmakar Krishna & Anr. ...Petitioners

Versus

B.B. Shelke & Ors. ...Respondents.

Mr. P.B. Shaligram for the Petitioners

Mr. D.A. Dube for Respondent Nos. 2 and 3

Mr. Y.D. Mulani, Assistant Government Pleader,

for Respondent No. 4

Mr. A.Y. Sakhare, Senior Advocate, for Respondent No. 5.

CORAM: DALVEER BHANDARI, C.J., &

S. A. BOBDE, J.

DATED: JANUARY 24, 2005.

P.C.:

1. Rule. Mr. D.A. Dube, learned Advocate, on behalf of respondent Nos. 2 and 3, Mr. Y.D. Mulani, learned Assistant Government Pleader, on behalf of respondent No. 4, and Mr. A.Y. Sakhare, Senior Advocate, on behalf of respondent No. 5, appear and waive service of Rule.

2. By consent, Rule is made returnable forthwith and is taken up for hearing today.

3. This petition has been filed on behalf of the two petitioners, who are members of the Cosmos Co-operative Bank Ltd. In this petition, the petitioners pray that the election in Ahilayadevi High School, which is scheduled to take place on 24th December, 2004, be cancelled, and direction be issued to hold fresh election.

4. The brief facts necessary to dispose of this petition are recapitulated a sunder:-

   On 9th December, 2004, respondent No.1, Returning Officer, issued public notice as per Election Rules. This clearly mentions that the General Body Meeting of the Members of the said Bank will be held on 24th December, 2004 at 8 a.m. at Ahilayadevi High School, and all members have been requested to take part in voting between 8.30 a.m. and 5.30 p.m. for the election of Board of Directors of the said bank.

5. The petitioners' main grievance is that notice of 14 days, which is mandatory, has not been given. This contention of the petitioners is factually incorrect. The notice has been given on 9th December, 2004, indicating that election will take place on 24th December, 2004. Therefore, the petitioners had 14 days' clear notice, according to rules.

6. The other grievance of the petitioners is that respondent No.1 be restrained from conducting the election at various polling booths and be directed to conduct the election only at Ahilayadevi High School. This contention is also without any merit, because various pooling booths have been organised primarily for the convenience of the members, so that they do not have to travel long distances.

7. The entire election process has started, and the petitioners chose to file this petition only two days before the actual polling, primarily to obstruct the election. It is quite obvious that this petition has been filed with oblique motive, much after the election process has already been initiated.

8. In our considered view, this petition is devoid of any merit, which is accordingly dismissed. The Rule is discharged.

CHIEF JUSTICE

S. A. BOBDE, J.